

STATE OF ILLINOIS)
)
COUNTY OF COOK)

EPA Region 5 Records Ctr.



283269

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

ACME BARREL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 83-118
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

R E C O M M E N D A T I O N

NOW COMES Respondent, the ENVIRONMENTAL PROTECTION AGENCY OF THE STATE OF ILLINOIS (hereinafter, "Agency"), pursuant to Section 37 of the Illinois Environmental Protection Act, Ill. Rev. Stat., Chap. 111 1/2, Sec. 1037 (1981) and Section 104.180 of the Procedural Rules of the Illinois Pollution Control Board (hereinafter, "Board") 35 Ill. Admin. Code, Sec. 104.180, and submits the following Recommendation in the above captioned matter:

The Agency recommends that Acme Barrel Company (hereinafter, "Petitioner") be granted a variance from Section 215, Appendix C (formerly Rule 104(h)(1) of Chapter 2), Section 215.211 (formerly Rule 205(j)(1) of Chapter 2), and Section 215.204(j), (formerly Rule 205(n)(J) of Chapter 2) until December 31, 1985, subject to the conditions specified in Paragraph 19, infra.

SUPPORTING RATIONALE

1. Petitioner filed its Petition for Variance with the Agency on August 19, 1983. Petitioner filed an Amended Petition for Variance with the Agency on December 12, 1983.

2. Petitioner owns and operates a facility in Chicago which reconditions metal industrial fifty-five gallon and thirty-five gallon drums. The refurbished drums are used for storage of insecticides, fungicides, flammable liquids, poisons, food products, and other materials.

3. The facility reconditions both open head and tight head drums. Open head drum reconditioning involves removal of paint and residue by incineration, shotblast cleaning, and painting. Tight head drum reconditioning involves chemical removal of paint and residue, shotblast cleaning, and painting. The painting process utilizes spray booths and uncontrolled drying ovens.

4. Section 215.204(j) requires that upon its effective date of December 31, 1983, volatile organic compounds (hereinafter, "VOC") contained in the coatings utilized by Petitioner shall be limited as follows:

exterior (extreme performance) coating:	3.5 lb/gal
interior (clear) coating	4.3 lb/gal

Section 215.211 establishes the compliance date, and Section 215, Appendix C requires Petitioner to submit a compliance plan to the Agency.

5. Petitioner utilizes in excess of 50 different types of coatings. In 1982, Petitioner applied 48,315 gallons of interior coatings with an average VOC content of 5.46 lb/gal. The Agency has calculated that the resultant VOC emissions were 255,634 lb/yr or 128 tons/yr. During the same period, Petitioner applied 89,969 gallons of exterior coating with an average VOC content of 4.25 lb/gal. The Agency has calculated that the resultant VOC emissions were 361,602 lb/yr or 181 tons/yr.

6. Applying 1982 usage figures, the allowable VOC emission limitation for interior coatings would be 114,531 lb/yr or 57 tons/yr. The allowable VOC emission limitation for exterior coatings would be 231,714 lb/yr or 116 tons/yr. Thus, VOC emissions from interior coatings will have to be reduced by 55% and from exterior coatings by 36%.

7. For several years, Petitioner has been working both internally and with its coating suppliers to develop the necessary technology to reduce VOC emissions. To date, the efforts have been partially successful, but have not produces great enough reductions to achieve compliance with Section 215.204(j) by December 31, 1983. Among the options studied by Petitioner are: use of high solids, water-based, and powder coatings; electrostatic spray; installation of afterburners; and carbon absorption. Some of the options were rejected for the following reasons: the resultant product was unacceptable; installation and maintenance costs were prohibitive; and space limitations prevented additional equipment.

8. While Petitioner is still investigating various alternatives, it now proposes to achieve compliance by reformulating as many of its coatings as possible to low solvent/high solids and/or water base coatings and by applying the internal offset provisions of Section 215.207.

9. Until final compliance can be achieved, Petitioner plans to conform to the following compliance schedule:

<u>Month</u>	<u>% of Excess Emission Reduction</u>
July, 1984	46.5%
December, 1984	59.5%
July, 1985	75.9%
December, 1985	101.3%

10. Petitioner alleges that denial of its variance request would constitute an arbitrary and unreasonable hardship in that the only means of achieving immediate compliance is through the installation of controls which are prohibitively expensive.

11. In formulating this Recommendation, the Agency has met with Petitioner several times, has spoken with various consulting engineers, and has contacted coating manufacturers. In addition, on December 13, 1983, the Agency had a meeting with representatives of the United States Environmental Protection Agency (hereinafter, "USEPA") and the drum and barrel manufacturing industry. At that meeting, the USEPA expressed its opinion that currently there is no practical means of achieving compliance with interior coatings.

12. The Agency is of the opinion that Petitioner's compliance program is reasonable in that it is both cost effective and should achieve the necessary VOC reductions. The only means of achieving immediate compliance that the Agency is aware of is by the installation of afterburners. In addition to being extremely costly to install and operate, afterburners also consume vast amounts of sometimes scarce natural gas. Moreover, pursuant to the provisions of Section 215.106, the afterburners would only have to be operated seven months a year. Thus the annual VOC emissions are likely to be greater if afterburners are utilized to achieve compliance than if reformulation is utilized. For that reason, the Agency believes that efforts to develop low solvent coating technology should be encouraged. The Agency also believes that the two year variance period requested by Petitioner is reasonable.

13. For the following reasons, the Agency agrees that a denial of the requested variance would constitute an arbitrary and unreasonable hardship:

- a. Petitioner has been diligently working to reduce its VOC emissions of several years.
- b. The Agency believes that Petitioner's present efforts to achieve compliance will be equally as diligent.
- c. Petitioner is continually working to increase the transfer efficiencies of its coatings. The greater the transfer efficiency, the lesser the volume of coatings utilized, hence there will be a resultant reduction of VOC emissions.
- d. Installation of afterburners will be extremely costly, wasteful of natural gas, and, in the long run, may not be the most environmentally sound solution.
- e. During the variance period, the facility would still be subject to the episode regulations contained in Section 244 during periods of high ambient ozone levels.
- f. When the Board adopted the VOC limitations, it realized that the regulations in question were "technology forcing" - thereby requiring variances for several facilities. See R80-5, Opinion, p. 21.

14. Petitioner's facility is located in a mixed industrial/residential area. The nearest residences are located directly across the street of the facility. The Agency has not received any complaints from area residents concerning this variance request.

15. The emissions in question are volatile organic compounds which contribute to the formation of ozone. High levels of ozone can have adverse health effects on the elderly and persons with respiratory and cardiac problems. The Agency believes, however, that the extension of the compliance deadline sought by Petitioner should not cause any increased health effects. During the period of the variance, Petitioner will be expected to comply with its episode action plan which requires a reduction of emissions during periods of high ozone concentration.

16. Petitioner's facility is located in an area which is classified as nonattainment for ozone. The closest ozone monitoring station is located at the Lincoln Park Zoo which is approximately 5 miles to the northeast. In 1982, the ambient air quality standard of 0.12 ppm was not exceeded at that monitor. In 1983, it was exceeded one time.

17. The Agency does not disagree with any factual allegation contained in Petitioner's Petition for Variance or in the Amendment thereto.

18. In accordance with the provisions of Section 35 of the Act, as amended August 2, 1978, by P.A. 80-1299, Ill. Rev. Stat., Chapter 111 1/2, Section 1035, the Board may grant variances only if they are consistent with the provisions of the Clean Air Act 42 U.S.C. 7401, et. seq. Since in the present case, the rules from which Petitioner is seeking a variance have not yet been approved by the USEPA, the Agency does not believe that the variance, if granted,

need be submitted to USEPA as a revision to the Illinois State Implementation Plan (hereinafter, "SIP"). The Agency has, however, reviewed the Petition for Variance, the Amended Petition for Variance, the applicable Chapter 2 Regulations, Illinois Annual Air Quality Reports, and all other information which would normally be necessary to obtain approval of a revision to the SIP by USEPA. The Agency believes that if the Board adopts an Order consistent with this Recommendation, the Order should be approvable as a SIP revision. If the variance is granted, therefore, the Agency will submit it as a SIP revision at such time as USEPA approves the regulations in question unless the variance has already expired.

RECOMMENDATION

19. For the foregoing reasons, the Agency recommends that Petitioner be granted a variance from Section 215, Appendix C, Section 215.211, and Section 215.204(j) until December 31, 1985, subject to the following conditions:

a. Within 28 days of the Board's Final Order herein, and every third month thereafter, Petitioner shall submit written reports to the Agency detailing all progress made in achieving compliance with Section 215.204(j). Said reports shall include information on the names of replacement coatings and the manufacturers specifications including per cent solids by volume and weight, per cent VOC by volume and weight, per cent water by volume and weight, density of coating, and recommended operating parameters; detailed description of each test conducted including test protocol, number of runs, and complete original test results; the quantities and VOC content of all coatings utilized during the reporting period; the quantity of VOC reduction during the reporting period; and any other information which may be requested by the Agency. The reports shall be sent to the following addresses:

Environmental Protection Agency
Division of Air Pollution Control
Control Programs Coordinator
2200 Churchill Road
Springfield, Illinois 62706

Environmental Protection Agency
Division of Air Pollution Control
Region 1, Field Operations Section
1701 South First Avenue
Suite 600
Maywood, Illinois 60153

b. Within 28 days of the Board's Final Order herein, Petitioner shall apply to the Agency for all requisite operating permits pursuant to Section 201.160(a).

c. Within 45 days of the Board's Final Order herein, Petitioner shall execute a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. Said Certification shall be submitted to both the Agency at the addresses specified in paragraph 19(a), supra and to the Illinois Pollution Control Board at 309 West Washington Street, Suite 300, Chicago, Illinois 60606. The 45 day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

_____, hereby accepts and agrees to be
(Petitioner)
bound by all terms and conditions of the Order of the Pollution
Control Board in PCB# _____, dated _____.

(Petitioner)

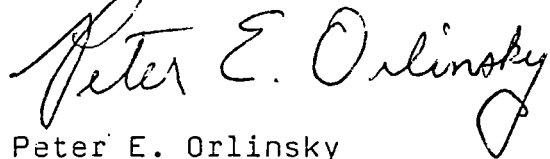
By _____, authorized agent

(Title)

(Date)

The Agency reserves the right to amend its Recommendation at any time prior to the close of the record in this proceeding.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

A handwritten signature in cursive script that reads "Peter E. Orlinsky". The signature is written in dark ink and is positioned above the printed name and title.

Peter E. Orlinsky
Technical Advisor
Enforcement Programs

DATE: January 24, 1984

Acme Barrel Company v. EPA
PCB 83-118

ENFORCEMENT PROGRAMS DIVISION
AIR POLLUTION CONTROL
VARIANCE CASE REVIEW

~~KE~~
~~1/24/84~~
TKE

031600 ASD

Petitioner: Acme Barrel Company

Address: 2300 West 13th Street County: Cook

City: Chicago EPA/PCB #: 6865/83-118

Summary of Petition: Seeks a 2 year variance from VOC regulations
for metal barrel painting process.

Date Rec'd by Agency: 8/19/83; 12/12/83 By: _____

Notices Sent: 8/25/83

Date to Regional Supervisor for Investigation: _____

Date to Legal Section with Technical Rec: 1/18/84

Agency Attorney Assigned: P. Orlinsky

Date Legal
Rec. Drafted: 1/23/83
Date Legal
Rec. to AG: _____
Date Legal
Rec. to PCB: _____

APPROVALS:

<u>Date Received</u>		<u>Approval</u>	<u>Date</u>
<u>1/24/84</u>	Regional Supervisor	<u>[Signature]</u>	<u>1/24/84</u>
<u>1/24/84</u>	Assigned Attorney	<u>PEO</u>	<u>1/24/84</u>
_____	Senior Atty:	_____	_____
_____	FOS Manager	_____	_____
_____	Division Manager (Major Source Only)	_____	_____
_____	Manager, Enf. Programs (if applicable)	_____	_____

Hearing Officer: Allan S. Feingold

Hearing Date: February 15, 1984 Time: 10:30 A.M.

Place: P.C.B.